Art Unit 2623

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present

application.

Claims 1-22 are now present in this application. Claims 1, 11 and 12 are independent.

By this Amendment, claims 21 and 22 are added, and claims 1, 2, 4-12, 16 and 20 are

amended. No new matter is involved.

Reconsideration of this application, as amended, is respectfully requested.

Priority Under 35 U.S.C. § 119

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority

under 35 U.S.C. § 119 and receipt of the certified priority document.

Rejection Under 35 U.S.C. § 102

Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Allport (U.S.

Patent 6,567,984). This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action and is not

being repeated here.

A prior art reference anticipates the subject matter of a claim when that reference discloses

every feature of the claimed invention, either explicitly or inherently. See In re Schreiber, 128 F.3d

1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997) and Hazani v. Int'l Trade Comm'n, 126 F.3d

1473, 1477, 44 USPQ2d 1358, 1361 (Fed Cir. 1997). While, of course, it is possible that it is

inherent in the operation of the prior art device that a particular element operates as theorized by the

Examiner, inherency may not be established by probabilities or possibilities. What is inherent, must

necessarily be disclosed. See In re Oelrich, 666 F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981)

and In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).

During patent examination, the PTO bears the initial burden of presenting a prima facie

case of unpatentability. See In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed.

Cir. 1992); In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984).

Moreover, as stated in MPEP § 707.07(d), where a claim is refused for any reason relating

to the merits thereof, it should be "rejected" and the ground of rejection fully and clearly stated.

Additionally, findings of fact and conclusions of law by the USPTO must be made in

accordance with the Administrative Procedure Act, 5 U.S.C. § 706(A), (E) (1994). See Zurko v.

Dickinson, 527 U.S. 150, 158, 119 S.Ct. 1816, 1821, 50 USPQ2d 1930, 1934 (1999).

A claim limitation is inherent in the prior art if it is necessarily present in the prior art, not

merely probably or possibly present. See Rosco v. Mirro Lite, 304 F.3d 1373, 1380, 64 USPQ2d

1676 (Fed. Cir. 2002). The dispositive question regarding anticipation is whether one skilled in

the art would reasonably understand or infer from the prior reference's teaching that every claim

feature or limitation was disclosed in that single reference. See Dayco Products, Inc. v. Total

Containment, Inc., 329 F.3d 1358, 1368, 66 USPQ2d 1801 (Fed. Cir. 2003).

Allport does not disclose or suggest the features positively recited in claims 1-20, as

Application No.: 10/667,662 Attorney Docket No. 3449-0272P

Art Unit 2623 Reply to Office Action dated August 7, 2007

Page 10

amended. As amended, claim 1 positively recites a combination of features, including separating

AV broadcast signals and data broadcast signals from digital television broadcast signals of at least

one channel; selectively mixing the AV broadcast signals and the data broadcast signals according

to a display setup request inputted by an input unit; providing the selectively mixed signals directly

to a first display unit; and providing the selectively mixed signals via a home network to at least one

display unit other than the first display unit and other than the input unit. Independent claims 11

and 12 include similar features in a varying scope.

Allport only discusses a home network in terms of viewing information related to the state

of a consumer's home appliances (col. 1, lines 38-49) and not in terms of providing broadcast

signals or data broadcast signals of a digital television channel via a home network, in general, or

providing the selectively mixed signals directly to a first display unit; and providing the selectively

mixed signals via a home network to at least one display unit other than the first display unit and

other than the input unit, as recited.

Accordingly, Allport does not disclose the invention recited in independent claims 1, 11 or

12, or recited in dependent claims 2-10 and 13-20.

Reconsideration and withdrawal of this rejection of claims 1-20 are respectfully requested.

New Claims 21 and 22

Claims 21 and 22 have been added for the Examiner's consideration.

Claims 21 and 22 depend from claims 1 and 12, respectively, and are considered allowable

Application No.: 10/667,662 Attorney Docket No. 3449-0272P Art Unit 2623 Reply to Office Action dated August 7, 2007

Page 11

over the applied art at least because of the reasons stated above regarding the patentability of claims

1 and 12.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or

rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently

outstanding rejections and that they be withdrawn. It is believed that a full and complete response

has been made to the outstanding Office Action, and as such, the present application is in condition

for allowance.

If the Examiner believes, for any reason, that personal communication will expedite

prosecution of this application, the Examiner is invited to telephone Robert J. Webster, Registration

No. 46, 472, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

Application No.: 10/667,662

Art Unit 2623

Attorney Docket No. 3449-0272P Reply to Office Action dated August 7, 2007

Page 12

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated:

MOV 2 6 2007

Respectfully submitted,

Esther H. Chong

Reg. No.: 40,953

BIRCH, STEWART, KOLASCH & BIRCH, LLP

P.O. Box 747

Falls Church, Virginia 22040-0747

Telephone: (703) 205-8000 Attorney for Applicants